



09,889,938.

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Patent No. 6,956,149  
Request for Cert. of Correction dated March 2, 2006  
Attorney Docket No. 4167-011069

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No. : 6,956,149 Confirmation No. 4594  
Inventor : Richards et al.  
Issued : October 18, 2005  
Title : Method of Conveying BNYVV  
Resistance to Sugar Beet Plants  
Examiner : Ashwin Mehta  
Customer No. : 28289

**Certificate**  
**MAR 09 2006**  
**of Correction**

REQUEST FOR CERTIFICATE OF CORRECTION OF PATENT  
FOR PTO MISTAKE (37 C.F.R. 1.322(a))

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

ATTENTION: Decision and Certificate of Correction Branch  
Patent Issue Division

Sir:

In accordance with 35 U.S.C. §254, we attach hereto Form PTO/SB/44 and a copy of proof of PTO errors and request that a Certificate of Correction be issued in the above-identified patent. The following errors appear in the patent as printed:

Column 1, Line 6, after BACKGROUND OF THE INVENTION, insert  
-- 1. Field of the Invention --  
(See the Preliminary Amendment dated 07/26/2001, page 2.)

Column 2, Line 39, delete "SUMMARY OF THE INVENTION"

Column 2, before Line 45 and the paragraph that begins: "The object of the present invention...", insert "SUMMARY OF THE INVENTION"  
(See the Preliminary Amendment dated 07/26/2001, page 2.)

Column 11, Line 15, Claim 1, "DNA fragment" should read -- cDNA fragment --  
(See Amendment After Allowance dated 01/07/2005, page 2, Claim 62, line 3.  
Claim 62 issued as Claim 1.)

Patent No. 6,956,149  
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Column 11, Lines 24-25, Claim 1, "wherein expression of said DNA fragment conveys resistance" should read

-- wherein said DNA fragment confers resistance --

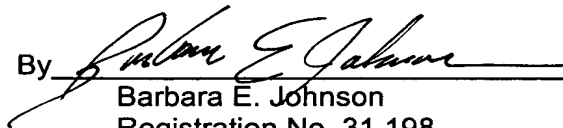
(See Amendment After Allowance dated 01/07/2005, page 2, Claim 62, lines 9-10.

Claim 62 issued as Claim 1.)

Respectfully submitted,

THE WEBB LAW FIRM

By



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**UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTION**

Page 1 of 1

PATENT NO. : 6,956,149  
APPLICATION NO. : 09/889,938  
ISSUE DATE : October 18, 2005  
INVENTORS : Richards et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 1, Line 6, after BACKGROUND OF THE INVENTION, insert  
-- 1. Field of the Invention --

Column 2, Line 39, delete "SUMMARY OF THE INVENTION"

Column 2, before Line 45 and the paragraph that begins:  
"The object of the present invention...", insert "SUMMARY OF THE INVENTION"

Column 11, Line 15, Claim 1, "DNA fragment" should read -- cDNA fragment --

Column 11, Lines 24-25, Claim 1, "wherein expression of said DNA fragment  
conveys resistance" should read -- wherein said DNA fragment confers resistance --

MAILING ADDRESS OF SENDER: The Webb Law Firm  
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This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-2450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*If you need assistance in completing the form, call 1-800-PTO-9199 and select Option 2.*



PATENT APPLICATION/PCT  
Atty. Docket No. 702-011069

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :  
Kenneth RICHARDS : METHOD FOR CONVEYING BNYVV  
Gérard JONARD : RESISTANCE TO SUGAR BEET  
Hubert GUILLEY : PLANTS  
Cornelis M. P. VAN DUN :  
International Application :  
No. PCT/EP00/00609 :  
International Filing Date / :  
26 January 2000 :  
Priority Date Claimed :  
27 January 1999 :  
Serial No. Not Yet Assigned :  
Filed Concurrently Herewith :

Pittsburgh Pennsylvania  
July 26, 2001

PRELIMINARY AMENDMENT

BOX PCT  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

Prior to initial examination, please amend the above-identified patent application as follows:

IN THE SPECIFICATION:

Please insert section headings and amend specification paragraphs as follows. (Pursuant to 37 CFR 1.121, marked-up versions of the amended specification paragraphs are attached.)

**On page 1, after the title, please insert the following section headings.**

**BACKGROUND OF THE INVENTION**

**1. Field of the Invention**

**On page 1, after the first complete paragraph, please insert the following section heading.**

**2. Description of the Related Art**

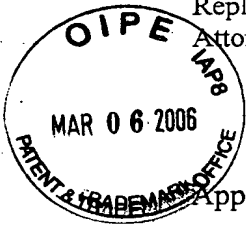
**On page 3, after the fourth complete paragraph, please insert the following section heading.**

**SUMMARY OF THE INVENTION**

**Please delete the paragraph bridging pages 4 and 5 and insert the following replacement paragraph:**

The homology or "degree of similarity" is used to denote nucleotide sequences which when aligned have similar (identical or conservatively replaced) nucleotides in like positions or regions. For example, two nucleotide sequences with at least 85% homology to each other have at least 85% homologous (identical or conservatively replaced nucleotides) in a like position when aligned optimally allowing for up to 3 gaps, with the provision that in respect of the gaps a total of not more than 15 amino acid residues is affected. The degree of similarity may be determined using methods well known in the art (see, for example, Wilbur, W.J. and Lipman, D.J. "Rapid Similarity Searches of Nucleic Acid and Protein Data Banks." Proceedings of the National Academy of Sciences USA 80, 726-730 (1983) and Myers E. and Miller W. "Optimal Alignments in Linear Space". Comput. Appl. Biosci. 4:11-17(1988)). One programme which may be used in determining the degree of similarity is the MegAlign Lipman-Pearson one pair method (using default parameters) which can be obtained from

Appl. No. 09/889,938  
Amdt. dated January 7, 2005  
Reply to Notice of Allowance dated October 8, 2004  
Attorney Docket No. 4167-011069



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/889,938 Confirmation No.: 4594  
Applicant : Kenneth Richards et al.  
Filed : December 11, 2001  
Title : Method for Conveying BNYVV Resistance to Sugar Beet Plants  
Group Art Unit : 1638  
Examiner : Ashwin D. Mehta

Mail Stop Issue Fee  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT AFTER ALLOWANCE**

Sir:

In response to the Notice of Allowance dated October 8, 2004, Applicants hereby submit the following Request for Continued Examination (RCE), Amendments and Remarks. Please amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks** begin on page 4 of this paper.

**A Request for Continued Examination** accompanies this Amendment.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 7, 2005.

Kimberly N. Welday

(Name of Person Mailing Paper)

*Kimberly N. Welday* 01/07/2005  
Signature Date

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions and listings of claims in the application:

Listing of Claims:

Claims 1-61 (Cancelled)

(1)

Claim ~~62~~ (Currently Amended): A method for conveying resistance to beet necrotic yellow vein virus (BNYVV) to a sugar beet plant, comprising:

preparing a BNYVV cDNA fragment consisting of a nucleotide sequence that corresponds to nucleotides 153 to 3258 of RNA1 of said virus;

5 introducing said DNA fragment, operatively linked to a promoter that is active in sugar beet plants, into a sugar beet plant cell to obtain a transformed sugar beet cell; and

regenerating a transgenic sugar beet plant from the transformed ~~and selected~~ sugar beet plant cell, said transformed sugar beet plant cell comprising in its genome at least two copies of the DNA fragment, wherein ~~expression of~~ said DNA fragment confers resistance to BNYVV to said transgenic sugar beet plant.

per  
E.A.

(2)

10 Claim ~~63~~ (Previously Presented): The method of claim ~~62~~<sup>1</sup>, wherein the fragment is introduced into the cell by means of a DNA vector comprising said DNA fragment and <sup>said promoter</sup> ~~transcription and translation regulatory sequences~~ operably linked therewith.

per  
E.A.

(3)

Claim ~~64~~ (Previously Presented): A transformation vector for conveying resistance to BNYVV <sup>to a plant, said vector comprising a</sup> DNA fragment consisting of a nucleotide sequence that corresponds to nucleotides 153 to 3258 of RNA1 of said virus, and ~~transcription and translation~~ regulatory sequences operably linked therewith.

per  
E.A.

(4)

Claim ~~65~~ (Previously Presented): A transgenic sugar beet plant cell, exhibiting resistance to BNYVV, comprising in its genome at least two copies of a BNYVV